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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/020,461 | 12/14/2001 | Hichem M'Saad | A6123/T43700 | 9343 |
| 32588 | 7590 | 02/14/2005 | EXAMINER | |
| APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050 | | | HOFFMANN, JOHN M | |
| | | | ART UNIT | PAPER NUMBER |

1731

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/020,461 | M'SAAD ET AL.11 | |
| | Examiner | Art Unit | |
| | John Hoffmann | 1731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 21-42 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-16 and 21-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly amended claims 17-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 1 as originally presented and examined was directed to cores being formed on an undercladding layer. Claims 17-18 are presently directed to a mutually exclusive species: where the core is within the undercladding. This species was never searched or examined. It would place an unreasonable burden on the Office to now search/examine this new species. Of course if claim 1 is held allowable, then the species claims will be rejoined

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

Claims 1-2, 15-16, and 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bazylenko 6154582 alone or in view of Dragone 51366711.

See how Bazylenko was previously applied. The claims have been amended to require more than one core. Bazlenko does not disclose the a plurality of separated

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cores. It would have been obvious to create more than one waveguide core so as to be able to multiply the amount of data carried.

From MPEP 2144.04

B. Duplication of Parts

In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies ** in the joint, and a plurality of "ribs" ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.).

Dragone is optionally applied to show that multiple separated waveguides is conventional.

Claim 28: as to other dopants: Examiner takes Official notice that the claimed dopants are well known dopants that are routinely used in optical waveguides. It would have been obvious to add such a dopant for its well known properties. It would have been obvious to add it in a gaseous phase because that is how all the other components are added.

Claims 1, 2-4, 6-14, 22-26, and 29-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Johnson 6614977 alone or in view of Dragone 51366711.

See how Johnson was previously applied. Johnson does not disclose the a plurality of separated cores. It would have been obvious to create more than one waveguide core so as to be able to multiply the amount of data carried. Dragone is optionally applied to show that multiple separated waveguides is conventional.

Claim 28: as to other dopants: Examiner takes Official notice that the claimed dopants are well known dopants that are routinely used in optical waveguides. It would

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have been obvious to add such a dopant for its well known properties. It would have been obvious to add it in a gaseous phase because that is how all the other components are added.

Response to Arguments

Applicant's arguments filed 23 November 2004 have been fully considered but they are not persuasive.

It is argued that cited prior art does not teach the plasma deposition method used to create a plurality of separated silicate glass optical cores. It is not very relevant that the primary references do not teach this aspect, because the courts have long recognized that duplication of parts is usually an obvious modification. Examiner could find no basis as to why this is not presently the case.

Applicant has not indicated of any other way in which the claims define over the prior art (as is required per **37 CFR § 1.111 (C)**)

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections

Likewise, Examiner could find nothing in the amendment that appears to further limit the claims in any sort of matter which suggests that Applicant intended to further define over the prior art – beyond the new limitation of plural cores. In the event that Applicant did intend that the amendment to further limit one or more of the claims, and

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neglected to pointed out such patentable novelty – Examiner herein takes Official notice that any of the presently added/amended claims limitations are conventional waveguide manufacturing procedures and they would have been obvious to apply – for their known utility/advantage. Examiner would have pointed out any subject matter that was patentable subject matter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

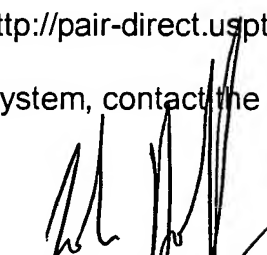
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is (571) 272 1191. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Hoffmann
Primary Examiner
Art Unit 1731

2-09-2003

jmh